

NATURAL RESOURCES COMMISSION

Meeting Minutes

February 21, 2007

Pursuant to the notice duly filed with the Town Clerk, the meeting of the Natural Resources Commission was held in the First Floor Meeting Room, 141 Keyes Road, Concord, MA at 7:00 p.m. on Wednesday, February 21, 2007. The following Commissioners were present: Paul Feshbach-Meriney, Chair; Montgomery Lovejoy; and Jamie Bemis. Delia Kaye, Natural Resources Administrator, and Katie Holden, Natural Resources Assistant Administrator, were also present.

CCHS PLAYING FIELDS: Playing Field Committee

Chris Whelan, 1935 Main Street, Town Manager, provided an outline of the revised playing field project at Concord-Carlisle Regional High School and discussed changes to the plan. Two artificial turf fields are proposed rather than two turf and one grass. If a third field is proposed, it would be in the location of the existing JV field. The closest field to the Bristers Hill neighborhood was moved further west, away from the neighborhood, and the closest point of the field is approximately 250 feet to nearest resident's property line. A landscaping plan prepared by SMMA was presented. There is currently no funding for restrooms; Chris Whelan showed the location where seasonal, portable toilets are proposed. The plans were unanimously approved by the Recreation Committee, Board of Selectmen, and School Committee. Next, there will be meetings with the Planning Board, Zoning Board of Appeals, and Community Preservation Committee. Further discussion is expected at Town Meeting on April 24th.

Jamie Bemis asked if cross country practice and races could occur during field play. Chris Whelan stated the course was reviewed and approved by the cross country coach.

Paul Feshbach-Meriney discussed the isolated pool on the site. Paul clarified that there has been no determination as to the jurisdiction of this body of water, and that there is no buffer zone to Isolated Land Subject to Flooding or vernal pools (beyond what is provided if a vernal pool occurs within a wetland resource area such as Bordering Vegetated Wetland). Although no evidence exists that this area provides vernal pool habitat, the Commission recommended review of vernal pool characteristics in the spring. The Commission stated its preference to move the fields closer to the pool in order to provide a wider wildlife corridor adjacent to Route 2.

Chris Whelan stated the fields were sited to avoid steep slopes and that locating the fields closer to the pool would probably require a retaining wall due to steep grading. This would be expensive and might have potential impacts to the cross country trail.

Paul Feshbach-Meriney stated a preference for integrating the proposed fields with the high school renovation. Chris Whelan discussed concerns of scheduling, funding, and aid.

Monty Lovejoy stated support of the flexibility of renovating the JV field.

Dekkers Davidson, 80 Squaw Sachem Trail, member of the Playing Fields Committee, stated he represented a group of coaches who have planned a tree restoration initiative to replace trees removed for this project, separate from the landscape planting plan. The program would consist of children of all ages planting seedlings and saplings in town. There is \$15,000 earmarked for this restoration plan. The planting would occur over three years, hopefully contingent with field construction. The steps would include a tree count, identifying areas for restoration, raising money, and recruiting crews to plant. They

would find planting areas on school properties, town land, and encourage private landowners to participate. Nurseries would be asked to participate.

Jamie Bemis asked if the proposed lighting would impact wildlife or create light pollution to the neighborhood. Chris Whelan stated there would be lighting when games were scheduled. The lighting would be programmed and could be controlled remotely. A motion detector is also being discussed, which would need to be sensitive enough for a vehicle but not triggered by deer.

Jamie Bemis stated support for the revisions which represent compromise and responsiveness to some of the concerns raised by the Commission.

Mr. O'Connor, Watertown, Friends of Thoreau, stated that most areas were historically pasture, but the trees in this area have been woodland since the 1600s. Mr. O'Connor submitted a time line entitled "Historic Woodland at Concord-Carlisle Regional High School" and Registry documentation to the Commission.

Nancy Fincke, 72 Bristers Hill Road, submitted a letter dated February 20, 2007 from direct abutters to the project. Nancy summarized the letter stating their concerns about the rush to build fields and the planning process. Nancy stated they would prefer a more environmental approach and one that would not change the character of the neighborhood.

Paul Feshbach-Meriney stated that because the work is proposed in the Groundwater Conservancy District, the Natural Resources Commission will make a recommendation to the Zoning Board of Appeals for a Special Permit.

Connie Levine, 149 Stone Street, asked about the use of existing fields, and why wouldn't they move forward with turfing of the existing JV field. Chris Whelan stated the School Committee wants control over that field and it will not be shared with the community.

Lois Siegelman, 118 Bristers Hill Road, discussed the potential vernal pool and recommended looking at it this in the spring. She noted that if it wasn't a vernal pool the fields could be moved closer to the pool and away from the neighborhood.

Patricia Amento, 14 Bristers Hill Road, discussed Thoreau and stated this represents 15 acres of the remaining historic Walden Woods.

Al Leonard, 91 Bristers Hill Road, asked if an official determination of the jurisdiction of the pool had been requested yet. Al stated they would be submitting a Request for Determination of Applicability (RDA) requesting the Commission make a determination regarding the pool status for Isolated Land Subject to Flooding. Al discussed concern that removing the soil and trees would raise the water table. He also stated there would be a change in hydrology dynamics due to the removal of the moisture retention capacity and change in evapotranspiration. Al submitted an article entitled "Toxicological Evaluation for the Hazard Assessment of Tire Crumb for Use in Public Playgrounds" which discusses the ecological effects from tire leaching. Al stated a response to the restoration plan presented by Mr. Dekkers. Al stated this natural area is an irreplaceable resource, a teaching tool. He also stated he still hasn't seen the documents stating the need for new fields. He asked who reviews this from the Town. Paul Feshbach-Meriney stated this is not the purview of Natural Resources Commission.

Patricia Hecht, 57 Bristers Hill Road, discussed the December 6th, 2006 minutes of the Natural Resources Commission. Patricia stated this project would remove 8 ½ acres of forest and 15,000 cubic yards of soil. The Zoning Board of Appeals Regulations state the Natural Resources Commission shall submit recommendations including an evaluation that the project: “is designed to avoid substantial disturbance of the soils, vegetation, topography, drainage...” and “provides a system of artificial recharge of precipitation...”. Patricia discussed the Natural Resources Commission draft letter to the CPC dated December 4, 2006. Patricia stated the entire site/campus should be part of a Master Plan. Patricia encouraged the Commission to recommend the ZBA not issue a Special Permit in order to minimize impacts to the Groundwater Conservancy District.

Ken Hecht, 57 Bristers Hill Road, urged the Commission recommend to the ZBA that a Special Permit not be issued.

Erik Jarnyd, 61 Hubbard Street, discussed the proposed lowering of the fields and the trade-offs for acoustics and aesthetics of the neighborhood.

Connie Levine, 149 Stow Street, discussed Warrant Article #31 which discusses a Conservation Restriction over a portion of the land. Connie asked how to be placed on the Natural Resources Commission agenda. The Commission stated that she should submit the draft Conservation Restriction to the office to get on agenda of the Conservation Restriction Stewardship Committee and the Natural Resources Commission.

Zoltan Johasz, P.E., Unitera Consulting, LLC, discussed the project’s compliance with the Groundwater Conservancy District Regulations. Zoltan stated there is a 50-foot depth to groundwater. The proposed lowest field will be approximately 30 feet above the existing groundwater level.

The Natural Resources Commission stated they will submit a letter to the ZBA before the March 15 ZBA meeting.

HUGH CARGILL MANAGEMENT PLAN WARRANT ARTICLE – Agricultural Committee

Jim Catterton, 258 Sudbury Road, Clerk of the Agricultural Committee, and Hugh Cargill Community Garden Coordinator, appeared. Jim apologized for naming the Natural Resources Commission in Warrant Article #35 prior to their review and approval. Warrant Article #35 discusses the development of a Hugh Cargill Management Plan.

Jim Catterton discussed the proposed field in the vicinity of Alcott School. He will be requesting that the language “including Walden Street” be taken out of Warrant Article #30, Playing Fields Funding.

Jim Catterton discussed the history of land use in this area. The Hugh Cargill land was once Stratton Farm, a farm for the benefit of the poor, until World War II. In the mid-1950s, a portion of land was sold off for veteran housing lots and the Alcott School parcel. In 1958, existing barns were torn down for Police and Fire Departments. Another piece of land was taken out for the CPW water supply well.

The remaining agriculture land is within the Groundwater Conservancy District and 100-year flood plain. There is a 1-foot separation to groundwater in this area. Jim Catterton stated the Hugh Cargill community garden currently consists of approximately 3 acres, and approximately 20 acres of land is available for farming. Mr. Catterton discussed elements of a management plan for this area including ground nesting birds and invasive plant control. Jim submitted a history of this area written by Bill Kenney, who, with his

father before him, used to farm this area before the renovation of Alcott School began. He discussed an alternate proposal and said Mr. Kenney is interested in continuing to farm this area. Mr. Catterton discussed concern of the community gardens being flooded from a playing field constructed in the floodplain and the need to provide compensatory storage for work in the floodplain.

The Commission will review this Warrant Article further.

DNR staff asked that the 20 acres of available agriculture be delineated and a map be submitted to the Commission. They also asked if farming would be feasible with the access road dividing the land in half or with the baseball diamond. Jim Catterton stated he would look into this.

CONTINUED APPLICATIONS:

MERIDIAN CONTRACTING, LTD. – 38 Shore Drive / NOI – DEP File #137-910:

This is a continued hearing for a project consisting of the construction of an addition and renovations including retaining walls, stone stairway, pathways, and replacement of existing decks. Brett Manson, Oxbow Associates, Inc., Carmen Laage, property owner, Candice Young, landscape designer, and Pamela Hart, assistant designer, appeared. The Commission held a site walk on January 19, 2007.

Brett Manson discussed the proposed addition on sona tubes, and the structural support proposed within the existing concrete wall. Brett discussed construction sequencing. The proposed wall would be installed before removing the existing retaining wall. Brett discussed a change in the proposed walkway in order to be wheel chair accessible. The changes create a decrease in impervious surface with gravel "landing" areas of the stairway.

A response was received from Natural Heritage for the work within Priority Habitat. Natural Heritage stated there would be no take and recommended an alternative to the proposed hay bales erosion controls, which could potentially have weed species. Division of Natural Resources staff recommended salt marsh hay, biologists, or Filter Soxx. Brett Manson stated he would submit revised plans. XXX

Candice Young and Pamela Hart discussed the planting plan. Invasive species that will be removed include Asiatic bittersweet, buckthorn, burning bush, and honeysuckle. The property owner is strongly supportive of organic gardening and therefore, Rodeo will only be used as a last resort. A special condition to the Order will be included stating if Rodeo is used, only cut and dab will be used to apply herbicide. A native plant community will be planted to promote stabilization of slopes and provide a benefit to wildlife. The existing ground covers will remain to prevent erosion. An existing gully along the side of the property will be improved by creating a vegetated rain garden and a wildflower meadow in the front of the house.

Alan Beveridge, 28 Shore Drive, direct abutter, discussed concern that the property boundaries are incorrect and the proposed brush removal is on his property. He stated concern that if the brush were removed this area would revert back to being used as a latrine and trash area. He stated the proposed alders would still not detract people from using this area. Mr. Beveridge stated the brush pile provides good habitat for Carolina wrens. The Commission is unable to be involved with land disputes and stated the brush pile could stay. After discussion, the applicant agreed to keep the existing brush pile and to work out any issues with Mr. Beveridge. Revised plans will be submitted to the Commission. This

hearing was continued to the March 7 meeting at which time the Commission expects to close and issue an Order of Conditions with special conditions, contingent upon revised information being submitted a week prior to the meeting.

NEW APPLICATIONS:

ALEY - 122 Upland Road / NOI -DEP File #137-912:

Alison Aley, property owner, Paul Minor, architect, and Chuck Budnick, Cabco Consulting, appeared. This project consists of constructing a septic system, pool, and addition within 200 feet of the Riverfront Area of the Assabet River, and within the 100-foot buffer zone to Bank and Bordering Vegetated Wetlands. Paul Minor submitted floor plans and discussed alternatives in the Riverfront Area. Mr. Minor stated an addition could be placed in front of the house, further away from the Riverfront Area, but there were major cost issues. A special condition will be included requiring filter fabric in the catch basin during construction.

This hearing was continued to the March 7 meeting at which time the Commission expects to close and issue an Order of Conditions with special conditions, contingent upon revised information being submitted a week prior to the meeting.

SIMPSON – 554 Barretts Mill Road / NOI – DEP File #137-913:

Rich Harrington, Stamski & McNary, and John Simpson, owner, and Jack Martinson, abutter, appeared. The project consists of the installation of a new pipe to tie into the Town's drainage system. Rich Harrington presented the project. Based on field review of the existing pipe, the pipe elevation may adjust a few inches.

The Commission requested revised plans be submitted noting removal of an existing invasive, non-native buckthorn shrub and removal of the riprap. DNR staff stated DEP had also recommended using alternatives to hard armor to stabilize the bank. This could include using a coir log with vegetation (alder). A detail must be shown on the plan.

This hearing was continued to the March 7 meeting at which time the Commission expects to close and issue an Order of Conditions with special conditions, contingent upon revised information being submitted a week prior to the meeting.

LABADINI – 154 Southfield Road / NOI -DEP File #137-0914:

Brian Butler, Oxbow Associates, Inc., Kevin Labadini, property owner, and John Hills, builder, appeared. The project consists of the construction of three additions within the 100-foot buffer zone to Bank and Bordering Vegetated Wetlands. DNR staff expressed concern that the existing stream is perennial and work would be within the 200-foot Riverfront Area. DNR staff will review the watershed delineation submitted by Oxbow within a week. There is approximately 400 square feet of new impervious surface proposed. Down spouts are proposed to handle stormwater runoff.

The addition is proposed 43 feet from wetlands. The Commission determined that although this does not meet their 50-foot setback policy for new structures, the addition would be permitted because it is generally in the same location as an existing deck.

Barbara Byrd, 144 Southfield Road, asked if a foundation was proposed and discussed flooding concern her property from groundwater displacement. Brian Butler stated that there would be no groundwater displacement.

This hearing was continued to the March 7 meeting at which time the Commission expects to close and issue an Order of Conditions with special conditions, contingent upon approval of the watershed analysis by Natural Resources staff.

NEW CASTLE HOLDINGS, LLC – 48 Elm Street / NOI – DEP File #137-915:

Brian Butler, Oxbow Associates, Inc., Eileen Gebrian, owner, and Joan Ferguson, landscape architect, appeared. The project consists of replacing the existing garage, installing a stormwater infiltration system, reconfiguration of the driveway, and landscaping within 100 feet of Bank and Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, the 200-foot Riverfront Area of the Sudbury River, and Estimated and Priority Habitat of Rare Species.

A response was received from Natural Heritage who determined the project as proposed within Estimated Habitat will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species. Natural Heritage also reviewed the project pursuant to the Massachusetts Endangered Species Act (MESA) and determined the proposed project will not result in a prohibited “take” of state-listed rare species.

Brian Butler reviewed a revised letter dated February 19, 2007 clarifying the square footage of alteration of the Riverfront Area. Mr. Butler discussed the construction sequence. Soil augering will be performed for the stormwater system to preserve existing trees.

The Commission discussed a special condition requiring the existing silt fence to be entrenched. Due to frozen ground conditions, this may need to wait until spring. Also discussed was the need to remove accumulated sediment from onsite failed erosion and sedimentation controls.

This hearing was continued to the March 7 meeting at which time the Commission expects to close and issue an Order of Conditions with special conditions.

GRACE PROPERTIES, LLC - 63B Cambridge Turnpike / NOI - DEP File #137-919:

Calvin Goldsmith and Calvin Mabvurunge, GPR, Roy Kramer, attorney, and Lisa Standley, VHB, appeared. The project consists of construction of a two-lot residential subdivision within 100 feet of Bordering Vegetated Wetlands, and within the 200-foot Riverfront Area of the Mill Brook. Calvin Goldsmith presented the project. Approximately 4,500 square feet of work is proposed in the outer riparian zone of Riverfront Area. Town water along Cambridge Turnpike was recently installed. The 3,000-square foot footprint has been reduced to 1,900 square feet. Decks were eliminated and 3-car garages were reduced to 2-car garages. The stormwater management system is under review.

The Commission questioned the necessity of the detention basin related to its work in the buffer zone.

The Commission requested that remaining trees adjacent to the proposed houses and driveway be shown on the plan.

DNR staff asked the applicant to explore placing the driveway over septic system with an easement in order to move work outside of the Riverfront Area.

Paul Feshbach-Meriney stated the cost analysis included a calculation for the old 3,000-square foot footprint and that a revised analysis must be submitted.

The Commission stated concern that incorrect information was stated in the Notice of Intent narrative. The narrative states "during the public hearing, the applicant offered to conduct said field-flagging, but was advised by members of the Commission to not do so. The Commission suggested that the applicant not incur expense because the Commission was opposed to a two-lot subdivision and would deny the Notice of Intent anyway." The Commission stated this was incorrect and for the record that the Commission and Natural Resources staff stated the MAHW Line flags must be flagged to evaluate the project. This was separate from the Commission's discussion of the scope of project.

Lisa Standley reviewed the performance standards of the Riverfront Area including the alternatives analysis. Lisa stated they consider abutting properties including the adjacent property for sale. This property was assessed at \$494,000, but this cost would require a 3-lot subdivision to make the project affordable. Lisa stated they did not include cost of roadway improvements. Lisa stated the construction of a single family house would create a loss.

Division of Natural Resources staff will review the MAHW Line when conditions allow.

This hearing was continued to the March 21 meeting to allow additional information to be submitted.

GRANT - 198 Southfield Road / NOI - DEP File #137-0917:

Scott Goddard, Carr Research, Inc., and Mr. and Mrs. Grant, property owners, appeared. The project consists of construction of an addition and deck within 100 feet of Bank and Bordering Vegetated Wetlands, and within the 200-foot Riverfront Area of the Sudbury River. Scott Goddard stated he will revise the MAHW during a future site visit with Natural Resources staff. Revised Riverfront Area calculations will be submitted. Mr. Goddard reviewed the Riverfront Analysis, including the alternatives analysis. The site is restricted by front and side setbacks. The Commission stated silt fence only or Filter Soxx could be used for erosion control.

The Commission discussed one Special Condition the old debris pile shall be removed.

This hearing was continued to the March 21 meeting at which time the Commission expects to close and issue an Order of Conditions with special conditions, contingent upon revised information being submitted a week prior to the meeting.

CLOSE HEARINGS / ISSUE PERMITS:

CROSBY - 646 Cambridge Turnpike / NOI -DEP File #137-908:

Montgomery Lovejoy moved to close the hearing. Jamie Bemis seconded. All so voted. Montgomery Lovejoy moved to issue an Order of Conditions with special conditions 18-37. Jamie Bemis seconded. All so voted.

CERTIFICATE OF COMPLIANCE REQUEST:

FREEMAN – 85 Walden Terrace – DEP File #137-776 (Partial):

Staff presented a request from Mr. Freeman for a Partial Certificate of Compliance for DEP File #137-776. Montgomery Lovejoy moved to issue a Certificate of Compliance for 85 Walden Terrace. Jamie Bemis seconded the motion. All so voted.

CC POOLS – 500 Walden Street – DEP File #137-717:

Staff presented a request from David Joliat, Thoughforms Corporation, for a Certificate of Compliance for DEP File 3137-717. Montgomery Lovejoy moved to issue a Certificate of Compliance for 500 Walden Street. Jamie Bemis seconded the motion. All so voted.

OTHER BUSINESS:

Minutes:

Jamie Bemis moved to accept the January 17, 2007 minutes as written. Montgomery Lovejoy seconded the motion. All so voted.

Administrators Report:

The Administrator's Report included the following discussion items:

Town invasive non-native species removal: Division of Natural Resources staff are drafting a general permit for small invasive species removal by Concord Public Works and the Division of Natural Resources.

CC High School Playing Fields: The Commission reviewed a draft letter. Montgomery Lovejoy moved to vote to approve the letter as amended. Jamie Bemis seconded. All so voted.

The meeting adjourned 10:30 p.m.

Respectfully submitted,

Delia Kaye, Natural Resources Administrator

Katherine Holden, Natural Resources Assistant Administrator